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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,205	10/12/2001	Brian Michael Lawton	56145473-19	1411
26453 7590 01/10/2008 BAKER & MCKENZIE LLP 1114 AVENUE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER WEIS, SAMUEL	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/976,205	LAWTON ET AL.	
	Examiner	Art Unit	
	Samuel S. Weis	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 14-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the Applicants' response to the Election / Restriction requirement filed October 16, 2007. The Applicants elected Group I, claims 1-13 and 25-34 without traverse. Claims 14-24 have been withdrawn. Claims 1, 8, 10, 11, 25, and 30-32 have been amended. Claims 1-13 and 25-34 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 and 25-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Kosiba et al., U.S. Pat. No. 6,098,052 (hereinafter, Kosiba).

As to claims 1, 25, and 32, Kosiba discloses a method, system, and computer readable medium for optimizing collection of money from skip accounts, comprising: receiving data of a first skip account (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8) ; applying the data of the first skip account to a predictive model, the predictive model being associated with an account tracing entity and operable to generate an output indicative of an expected recovery amount from the first skip account (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8); and

determining a course of action based on the output from application of the predictive model (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8), wherein the output of the predictive model includes a difference between a net revenue expected to be collected from the first skip account if the account tracing entity is used to locate the account and a net revenue expected to be collected from the first skip account if no action is taken to locate the first skip account through the account tracing entity (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8).

As to claims 2, 5, 6, 9, 26, 27, 28, 33, and 34, Kosiba discloses wherein the predictive model includes:

a probability model that generates an output indicative of the likelihood of locating the first skip account from the account tracing entity (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8);

a first liquidation model that generates an output indicative of an expected recovery amount from the first skip account if the account tracing entity correctly locates the first skip account (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8);

a second liquidation model that generates an output indicative of an expected recovery amount from the first skip account if the account tracing entity fails to locate the first skip account (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8); and

a third liquidation model that generates an output indicative of an expected recovery amount from the first skip account if no action is taken to locate the first skip account through the account tracing entity (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8).

As to claim 3, Kosiba discloses wherein the output of the probability model is reduced according to a number of other account tracing entities which previously failed to locate the first skip account (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8).

As to claim 4, Kosiba discloses wherein the reduced output equals the output of the probability model times a degradation factor (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8).

As to claims 7 and 29 Kosiba discloses wherein the probability model is derived by performing a regression analysis on past data of a plurality of skip accounts and the success or failure of locating the plurality of skip accounts by the account tracing entity (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8).

As to claims 8, 30, and 31, Kosiba disclosesw herein the first and second liquidation models are Chi-square Automatic Interaction Detection models that are derived from an analysis of past data of a plurality of skip accounts and the success or failure of locating the plurality of skip accounts by the account tracing entity (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8).

As to claim 10, Kosiba discloses wherein the output of the predictive model represents: Revenue (Skip)-Revenue (Business As Usual), wherein Revenue (Skip) represents a net revenue expected to be collected from the first skip account if the account tracing entity is used to locate the account, and Revenue (Business As Usual) represents a net revenue expected to be collected from the first skip account if no action is taken to locate the first skip account through the account tracing entity (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8).

As to claim 11, Kosiba discloses wherein Revenue (Skip) is of the form: Revenue (Found)+Revenue (Not Found) - Cost (Search) - Cost (Collect Skip), wherein Revenue (Found) represents a revenue amount expected to be collected if the account tracing entity correctly locates the first skip account, Revenue (Not Found) represents a revenue amount expected to be collected if the account tracing entity fails to locate the first skip account, Cost (Search) represents a cost of locating the first skip account through-the account tracing entity, Cost (Collect Skip) represents a cost of collecting from the first skip account, and Revenue (Business As Usual) is of the form: Revenue (Business As Usual) - Cost (Collect Business As Usual), wherein Revenue (Business As usual) represents a revenue amount expected to be collected if no action is taken to locate the first skip account through the account tracing entity, and Cost (Collect Business As Usual) represents a cost of collecting from the first skip account if no action is taken to locate the first skip account through the account tracing entity (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8).

As to claim 12, Kosiba discloses wherein the step of determining a course of action includes determining that the first skip account is to be sent to a collection agency if the output of the predictive model indicates that the expected recovery amount from the first skip account is negative (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8).

As to claim 13, Kosiba discloses wherein: the predictive model is derived from an analysis of past data of a plurality of skip accounts; and the past data includes data related to one or more of the following variables: location, payment history, balance, FICO score and credit limit (Figs. 2 and 3 and col. 3, line 55 – col. 5, line 8).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner

Response to Arguments

4. Applicant's arguments with respect to claims 1-13 and 25-34 have been considered but are moot in view of the new ground(s) of rejection. The Examiner has withdrawn the previous ¶112 rejections because Applicants' amendments.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

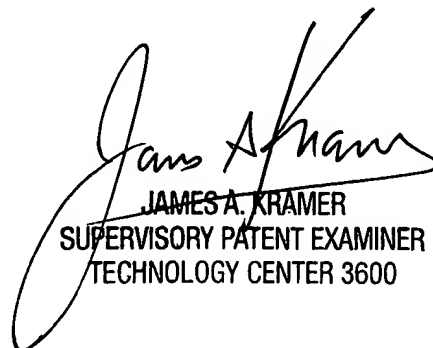
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel S. Weis whose telephone number is (571) 272-1882. The examiner can normally be reached on 8:30 to 5, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SSW

SW

 12/3/08
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